

Message Text

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ACTION IO-14

INFO OCT-01 AF-10 EUR-12 ISO-00 SSO-00 NSCE-00 USIE-00
INRE-00 CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03
NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 DHA-02
IOE-00 MCT-01 AID-05 /084 W
-----081908Z 119215 /43

O 081750Z JUN 77
FM AMCONSUL CAPE TOWN
TO SECSTATE WASHDC IMMEDIATE 6218
INFO AMEMBASSY BONN IMMEDIATE
AMEMBASSY DAR ES SALAAM IMMEDIATE
AMEMBASSY GABORONE IMMEDIATE
AMEMBASSY LAGOS IMMEDIATE
AMEMBASSY LONDON
AMEMBASSY LUSAKA IMMEDIATE
AMEMBASSY OTTAWA IMMEDIATE
AMEMBASSY MAPUTO IMMEDIATE
AMEMBASSY PARIS IMMEDIATE
AMEMBASSY PRETORIA IMMEDIATE
USMISSION USUN NEW YORK IMMEDIATE

C O N F I D E N T I A L SECTION 1 OF 3 CAPE TOWN 0931

E.O. 11652: GDS
TAGS: PDEV, SF, WA, US, UN
SUBJECT: NAMIBIA TALKS: SECOND SESSION

REF: CAPE TOWN 0924,

1. SUMMARY: VORSTER PARTICIPATED THROUGHOUT ALL OF THE AFTERNOON SESSION FIRST DAY OF TALKS. HE SAID OUR REJECTION OF SAG'S VERSION OF A TRANSITIONAL ADMINISTRATIVE AUTHORITY MEANT AN IMPASSE, SINCE HE WAS COMMITTED TO IT. LATER, HOWEVER, BOTHA TOLD US THAT SAG PREPARED TO SCRAP IDEA OF TURNHALLE PARTICIPATION IN TAA IN FAVOR OF AN INTERIM AUTHORITY FORMED AND HEADED BY AN "ADMINISTRATOR-
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GENERAL" APPOINTED BY SA STATE PRESIDENT. OTHER SUBJECTS DISCUSSED DURING AFTERNOON WERE UN INVOLVEMENT, WALVIS BAY, POLITICAL PRISONERS, AND REPEAL OF DISCRIMINATORY LEGISLATION.
END SUMMARY.

2. TRANSITIONAL ADMINISTRATIVE AUTHORITY (TAA): PRIME MINISTER VORSTER LED OFF THE AFTERNOON SESSION OF TODAY'S

(JUNE 8) TALKS. IN LONG DISCOURSE HE SAID HE FAILED TO UNDERSTAND OUR REJECTION OF SAG'S PROPOSED ROLE FOR TURNHALLE IN THE TAA. HE SAID, "IF YOU SHOOT THEM DOWN, I SEE NO SOLUTION TO THE PROBLEM OF SOUTH WEST AFRICA AT ALL." IF WE DID NOT ACCEPT TURNHALLE MAJORITY IN TAA MEMBERSHIP, HE WOULD EITHER PULL SOUTH AFRICA OUT OF NAMIBIA "STRAIGHT AWAY" OR ACCEPT THE TURNHALLE CONSTITUTION ("AND TAKE MY CHANCES WITH THE INTERNATIONAL COMMUNITY").

3. CONTACT GROUP MEMBERS RESPONDED TO THE EFFECT THAT WE HAD MADE I CLEAR ALL ALONG AND WOULD MAKE IT CLEAR AGAIN THAT A TAA WHICH WAS MERELY TURNHALLE BY ANOTHER NAME WOULD BE UNACCEPTABLE INTERNATIONALLY. VORSTER STATED THAT HE DID NOT AGREE WITH OUR POSITION AND THAT HE DID NOT BELIEVE IT WOULD BE WORTHWHILE TO CONTINUE AT THIS TIME TO CARRY ON WITH THIS ASPECT OF OUR DISCUSSION ON NAMIBIAN ISSUE. HOWEVER, LATER IN DISCUSSION VORSTER READ TO THE GROUP A PRELIMINARY DRAFT OF LEGISLATION WHICH WOULD ENABLE THE STATE PRESIDENT TO ESTABLISH A CENTRAL ADMINISTRATIVE AUTHORITY, PROVIDE FOR ADDITIONAL LOCAL GOVERNMENTS AND REMOVE WALVIS BAY FROM ITS ADMINISTRATIVE RELATIONSHIP TO NAMIBIA. VORSTER STATED THAT HE WOULD PROVIDE COPIES OF THE LEGISLATION TO CONTACT GROUP MEMBERS PRIOR TO ITS SUBMISSION TO PARLIAMENT.

4. AFTER WE HAD DISCUSSED OTHER MATTERS (PARAS 7 THROUGH 12 BELOW) AND WERE ABOUT TO ADJOURN FOR THE DAY, FONMIN BOTHA, WHO 15 MINUTES EARLIER HAD EXCUSED HIMSELF, RETURNED
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WITH ANOTHER BIT OF DRAMA: "GENTLEMEN, THERE HAS BEEN A NEW DEVELOPMENT." HE SAID SAG COULD NOT ACCEPT A TAA CONSISTING OF MORE THAN 17 MEMBERS (11 OF WHOM WOULD BE FROM TURNHALLE). HOWEVER, IT WAS "JUST POSSIBLE" THAT TURNHALLE REPRESENTATIVES (SOME OF WHOM ARE IN CAPE TOWN AND HAVE BEEN CONFERRING WITH SAG) MIGHT AGREE TO RELEASE VORSTER FROM HIS COMMITMENT TO ESTABLISH AN INTERIM AUTHORITY COMPOSED LARGELY OF TURNHALLE PEOPLE. IF THIS HAPPENED, SA STATE PRESIDENT WOULD APPOINT AN ADMINISTRATOR-GENERAL WHO WOULD FORM AN INTERIM AUTHORITY.

5. BOTHA ASKED THAT WE NOT BREATHE A HINT OF THIS TO ANYONE, INCLUDING PRESS, TURNHALLE REPS, OR ANYONE WHO SI ACQUAINTED WITH LATTER. AFTER WE HAD AGREED, BOTHA AND FOURIE SAID THAT AT SOME POINT THE SAG WOULD HAVE TO TELL THE PUBLIC THAT TURNHALLE-BASED TAA HAD NOT BEEN INSTITUTED BECAUSE CG HAD REJECTED IT. WE VOICED NO OBJECTION TO THIS.

6. COMMENT: IT WAS OBVIOUS TO ALL PRESENT THAT THIS ABOUT-FACE HAD BEEN CAREFULLY STAGED, AND WAS PUT INTO PLAY WHEN IT WAS CLEAR WE WOULD NOT AGREE TO WHAT SAG WANTED REGARDING THE TAA. TO AVOID IMPASSE ON QUESTION OF COMPOSITION OF TAA, AND TO SAVE FACE, VORSTER AND COMPANY HAVE DECIDED UPON FORMULA INVOLVING A "RELEASE" OF VORSTER'S COMMITMENT TO TURNHALLE AND A SWITCH TO AN ADMINISTRATOR-GENERAL WHO WOULD ASSUME MANY GOVERNING POWERS NOW IN HANDS OF SAG. THIS PRESUMABLY, IN THEIR VIEW, WOULD MEET WITH OUR AND UN'S APPROVAL. WE, OF COURSE, WILL NOT COMMIT OURSELVES ON THIS AND, MOREOVER, WILL SEEK FURTHER DETAILS TOMORROW (E.G., WOULD ADMINISTRATOR-GENERAL HAVE AN ADVISORY COUNCIL AND, IF SO, WHAT WOULD BE ITS COMPOSITION?).

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7. NATURE OF UN INVOLVEMENT:
MCHENRY MADE PRESENTATION ON NATURE OF UN INVOLVEMENT,
USING TALKING POINTS BASED ON CORRESPONDING LANGUAGE IN
CONTACT GROUP'S TERMS OF REFERENCE. VORSTER'S INITIAL

REACTION WAS THAT THIS RAISED NEW ISSUES WHICH HE WOULD WANT TO DISCUSS WITH HIS COLLEAGUES. BY WAY OF EXAMPLE, HE NOTED THAT DESCRIPTION OF COMPOSITION OF COMMISSION OF JURISTS VARIED FROM THAT CONTAINED IN SUMMARY POINTS OF AGREEMENT AND DISAGREEMENT PREPARED AT END OF APRIL MEETING. HIS RECOLLECTION OF EARLIER DOCUMENT WAS THAT THERE WOULD BE EQUAL NUMBER OF JURISTS FROM SOUTH AFRICA AND FROM OUTSIDE, WITH CHAIRMAN BEING MEMBER OF OUTSIDE GROUP AND HAVING CASTING VOTE IN CASE OF TIE. NEW PRESENTATION SUGGESTED
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THAT THE FIVE-MEMBER COMMISSION WOULD HAVE TWO SOUTH AFRICANS AND THREE OUTSIDERS.

8. CG MEMBERS POINTED OUT THAT IF THERE IS AN APPARENT DIFFERENCE IN THE DESCRIPTIVE LANGUAGE, NO CHANGE IN THE ORIGINAL CONCEPT WAS INTENDED. THE ONLY OTHER QUESTION ON UN INVOLVEMENT RAISED BY VORSTER WAS WHETHER THE CG COULD GIVE HIM SOME IDEA OF THE NUMBER OF PEOPLE THAT WOULD BE INVOLVED IN THE UN PRESENCE. MCHENRY DECLINED TO GIVE ANY FIGURE, NOTING THAT UN SYG WOULD HAVE TO DECIDE ON THE BASIS OF OPERATIONAL REQUIREMENTS.

9. WALVIS BAY. AFTER VORSTER READ TO GROUP THE DRAFT OF PROPOSED LEGISLATION ENABLING THE STATE PRESIDENT TO PROVIDE FOR ADMINISTRATION OF NAMIBIA, WE NOTED THAT IT EXPLICITLY EXCLUDED WALVIS BAY AND THAT, AS THE PRIME MINISTER HAD ACKNOWLEDGED IN NUMEROUS SPEECHES, THE QUESTION OF WALVIS BAY WAS SURE TO BE A SUBJECT OF FUTURE CONTROVERSY. WE SPECIFICALLY DID NOT WISH TO GET INTO THE LEGAL FACTORS INVOLVED BUT FELT IT NECESSARY TO FLAG AN ISSUE SURE TO BE CONTROVERSIAL. VORSTER REACTED IMMEDIATELY AND NEGATIVELY. IF THE GROUP WANTED SOUTH AFRICA TO GIVE UP WALVIS BAY, THEN THE TALKS MIGHT AS WELL CEASE. HE RECITED HISTORY OF WALVIS BAY, NOTED THAT IT WAS NOT A PART OF THE MANDATE. BOTHA ADDED THAT UN ITSELF HAD CALLED FOR RESPECT OF FORMER COLONIAL BOUNDARIES. WAS THE GROUP ALSO GOING TO RAISE THE QUESTION OF THE ORANGE RIVER WHICH, HE SAID, WAS ENTIRELY IN SOUTH AFRICA?. FOLLOWING VORSTER AND BOTH PRESENTATIONS WE REPEATED AGAIN THAT THE SAG HAD ITSELF ACKNOWLEDGED THAT THERE WOULD BE CLAIMS ON WALVIS BAY AND THAT WHILE WE DID NOT WISH TO DISCUSS THE QUESTION, WE DID NOT WISH OUR SILENCE TO INDICATE THAT WE WERE UNAWARE OF AN ISSUE BOUND TO RAISE A CONTROVERSY. ISSUE WAS THEN DROPPED.

10. POLITICAL PRISONERS. MCHENRY REVIEWED BRIEFLY THE
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PREVIOUS CAPE TOWN DISCUSSIONS OF POLITICAL PRISONERS, NOTING THAT THE PRIME MINISTER HAD UNDERTAKEN TO PROVIDE HIS VIEWS ON THE RELEASE OF POLITICAL PRISONERS AND, IN THE EVENT OF DISPUTES, THE SUBMISSION OF CASES TO THE PROPOSED INTERNATIONAL COMMISSION OF JURISTS APPOINTED BY THE UN SYG. HE ALSO STATED THAT IN SUPPORT OF OUR VIEW THAT ALL NAMIBIANS SHOULD BE FREE TO PARTICIPATE IN THE POLITICAL PROCESS, WE HAD RAISED THE MATTER OF DETAINED ELSEWHERE WITH THOSE GOVERNMENTS (TANZANIA AND ZAMBIA); HOWEVER, WE WOULD NOT ACCEPT OR CHARACTERIZE OUR ACTIONS AS A "DEAL" OR "LINKAGE". VORSTER RESPONDED BY STATING HIS AGREEMENT TO RELEASE NAMIBIAN DETAINEES HELD BY SOUTH AFRICA PROVIDED, AND IT WAS A PROVISIO HE REPEATED SEVERAL TIMES, NAMIBIANS DETAINED ELSEWHERE WERE ALSO RELEASED. HE ALSO AGREED TO SUBMIT TO THE PROPOSED INTERNATIONAL COMMISSION OF JURISTS INDIVIDUAL CASES WHERE THERE WAS DISAGREEMENT OVER WHETHER THE INDIVIDUAL'S ACT WAS "POLITICAL" OR "CRIMINAL".

11. MURRAY (UK) SUGGESTED THAT SOUTH AFRICA SHOULD NOT WAIT UNTIL THE FORMATION OF THE COMMISSION TO BEGIN THE RELEASE OF POLITICAL PRISONERS. VORSTER DID NOT TAKE UP THIS POINT (THOUGH WE INTEND TO RAISE IT AGAIN) AND HE AND BOTHA WENT INTO AN OBVIOUSLY PLANNED READING OF LIST OF CHARGES ABOUT NAMIBIANS HELD IN ZAMBIA AND TANZANIA. THE PAPER FROM WHICH THEY READ HAD EARLIER BEEN DELIVERED TO CONTACT GROUP EMBASSIES BY PROF. MBURUMBA KERINA, FORMER NAMIBIAN EXILE NOW HEAD OF NAMIBIAN "FOUNDATION" WIDELY BELIEVED TO BE FUNDED BY SAG.

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12. REPEAL OF DISCRIMINATORY AND RESTRICTIVE LAWS:
VORSTER SAID THIS QUESTION SHOULD POSE NO PROBLEM
BECAUSE TURNHALLE DELEGATES WANT REPEAL OF DISCRIMINATORY
LAWS AND WILL BE IN POSITION TO REQUEST UNDER THE ENABLING
LEGISLATION. MCHENRY NOTED THAT IN ADDITION TO DISCRIMINATORY
LAWS THERE IS OTHER LIEGSLATION (E.G. TERRORISM ACT) WHICH
COULD WORK TO RESTRICT THE ELECTORAL PROCESS. HE ASKED
WHETHER THESE WOULD ALSO CEASE TO APPLY. VORSTER RESPONDED
THAT LAWS AGAINST TERRORISM ARE NOT DISCRIMINATORY BUT IN
THE END CONCEDED THAT THE TAA WILL HAVE AUTHORITY TO ASK
FOR REPEAL OF ANY LAWS APPLICABLE IN SWA. MCHENRY OBSERVED
THAT WHILE THE TAA MAY HAVE FREEDOM TO MAKE SUCH REQUEST,
THE STATE PRESIDENT RESERVES ULTIMATE RIGHT OF DECISION
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AND THERE MAY BE CATEGORIES OF LAWS (E.G. IN JURISDICTIONAL
AREAS RESERVED TO SAG) WHICH HE MAY EXCLUDE. VORSTER'S
RESPONSE WAS THAT IT WOULD BE "INCONCEIVABLE" THAT THE
STATE PRESIDENT WOULD NOT DO WHAT TAA ASKS. FURTHERMORE,
IF THERE ARE PROBLEMS, THE MATTER COULD ALWAYS BE TAKEN
UP WITH THE SAG. MCHENRY NOTED THIS IS COMPLICATED
SUBJECT WHICH CG MEMBERS WOULD WANT TO CONSIDER FURTHER
AMONG THEMSELVES BEFORE RETURNING TO DISCUSSION WITH SAG.

13. VORSTER THEN ASKED THAT WE DISCUSS THE QUESTION OF
A PHASED WITHDRAWAL. WE, HOWEVER, PREFERRED TO DEFER
THIS MATTER UNTIL NEXT SESSION (WE WANTED TO CAREFULLY
PREPARE OUR TALKING POINTS BEFORE GETTING INTO THIS).
VORSTER AGREED, BUT ASKED US NOT TO ADJOURN UNTIL BOTHA
RETURNED TO THE MEETING. MOMENTS LATER HE DID AND PRESENTED
US WITH HIS "NEW DEVELOPMENT." OUR NEXT MEETING IS
SCHEDULED FOR 11 A.M. TOMORROW.BOWDLER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: INDEPENDENCE, POLITICAL SETTLEMENT, REPORTS, DIPLOMATIC DISCUSSIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 08-Jun-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977CAPET00931
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770204-0764
Format: TEL
From: CAPE TOWN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770680/aaaacrs.w.tel
Line Count: 327
Litigation Code IDs:
Litigation Codes:
Litigation History:
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Office: ACTION IO
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 77 CAPE TOWN 924
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 27-Dec-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2237958
Secure: OPEN
Status: NATIVE
Subject: NAMIBIA TALKS: SECOND SESSION
TAGS: PDEV, SF, WA, US, UN
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/e00c3a83-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009